

REMARKS

Claims 1-39 are pending in the present application. Claims 38 and 39 have been added as a result of this Response. Claims 1 and 28 are independent claims.

PERSONAL INTERVIEW OF OCTOBER 6, 2003

Applicant would like to thank Examiner Watkins for taking the time to conduct a Personal Interview with Applicant's representative on October 6, 2003. Applicant believes that the enclosed response follows closely along the subject matter described in the Personal Interview. In particular, Applicant sets forth below the arguments advanced at the personal interview, namely that if the Kunzel layer improves vapour flow control and does not indicate that its technique is in any way deficient, and the Korsgaard layer improves flow control (albeit in a different way) and also does not indicate that its technique is in any way deficient, why would one of ordinary skill in the art be motivated to combine the Kunzel technique with the Korsgaard technique.

Applicant has further included two new dependent claims, 38 and 39, which specifically recite that only one of the first and second vapour impervious membranes comprises a material having a water diffusion resistance which varies with the relative humidity of air in contact therewith. As discussed in the interview, Applicant believes that such a teaching is not taught or suggested by Kunzel and/or Korsgaard.

35 U.S.C. § 102 (A) KORSGAARD/KUNZEL REJECTION

Claims 1-37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 85/00188 to Korsgaard in view of WO 96/33321 to Kunzel. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed for the following reasons.

Applicant respectfully submits that although Kunzel and Korsgaard are directed to the same general field, there is nothing specifically pointed to by the Examiner that would motivate one of ordinary skill in the art to pick a particular teaching of Kunzel and combine it and/or replace it with a particular teaching in Korsgaard. Applicant asserts that the Examiner has identified Kunzel and Korsgaard as being in the same field, but has not identified that one of ordinary skill in the art would combine these particular references, given the myriad of references in this field.

Applicant further respectfully submits that if the Kunzel layer improves vapour flow control and does not indicate that its technique is in any way deficient and the Korsgaard layer improves vapour flow control (albeit in a different way) and also does not indicate that its technique is in any way deficient, why would one of ordinary skill in the art combine the Kunzel technique with the Korsgaard technique, since both techniques work sufficiently well on their own. Applicant respectfully submits that without such motivation, the present rejection is insufficient under 35 U.S.C. § 103(a).

Independent claim 1 and 28 recite a water vapour barrier comprising a first water impervious membrane having a plurality of openings and a second water impervious membrane, wherein at least part of the second water impervious membrane comprises a material having a water vapour diffusion resistance, which varies with the relative humidity of the air in contact therewith.

A problem solved by the barrier of independent claims 1 and 28 can be seen as the problem of reducing the moisture accumulation in the roof or wall structure as well as the problem of increasing the efficient drying out the roof or wall structure.

None of the prior art documents (Korsgaard and Kunzel) contains any hint towards a combination of the features of independent claim 1.

Accordingly, Applicant respectfully submits that there are no deficiencies mentioned in Korsgaard and/or Kunzel, which would lead to the present invention, as recited in independent claims 1 or 28. As a result, Applicant respectfully submits that claims 1-39 are patentable for at least this reason.

CONCLUSION

In view of the above amendments and remarks, reconsideration of the rejection and allowance of claims 1-39 in connection with the present application is respectfully requested.

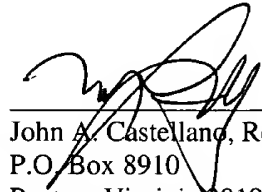
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below in order to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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